

WOMEN JURORS NEEDED TO TRY WOMEN FOR MURDER

Men Too Chivalrous to Convict Even in Cases of Plain Guilt, Says State Attorney Wayman of Chicago

CHICAGO, September 7. STATE Attorney John E. W. Wayman of Chicago says it is next to impossible to convict a woman of murder in Chicago courts. He made this assertion recently after a jury had returned a verdict acquitting Mrs. Minnie Bernstein of the murder of her husband, whom she was accused of having shot in their home while he was asleep.

Mr. Wayman says the impossibility of convicting women is due to the fact that men jurors cannot keep sex sentiment out of any case in which a woman is defendant. It will continue to be almost impossible to convict women of murder, he says, as long as men only serve on juries. He advocates a change in the State Constitution which will make women eligible for jury service and plans to take the matter up with the Legislature at Springfield next winter. Only women jurors, he declares, would view a woman charged with the graver crime with impartial eyes and punish her if she were found guilty.

Thirty-eight women charged with murder have been acquitted in Chicago in the last nine years. Twenty of the women were charged with the murder of men. Only seven women arraigned for killing men have been found guilty in the same period. This in face of the fact that many of the crimes were as deliberately premeditated as any in Chicago's history. Mr. Wayman says that if men had been arraigned for the crimes they would have been hanged in every instance.

Man's sentimental construction of the statutes is a phase of the "unwritten law" which has been evolved in the last decade or two. Formerly the "unwritten law" was supposed to prevail chiefly in the South. The "unwritten law" of the old South was that sentiment or tradition which held guiltless of crime the man who shot another man in defense of a woman's honor. But this latest phase of the "unwritten law" which acquits a woman charged with killing a man is as effective in the North, East and West as in the South. In short, the attitude of American men toward a woman in distress leads them everywhere to set sentiment above law.

The written law is supposed to be equal in its application to man and woman. If a man guilty of murder should be hanged, a woman guilty of a crime of equal gravity should also go to the gallows. The sentimental attitude of men jurors makes of a theoretically equal law two laws in actual practice, one for man and another for woman.

A feature of the modern crime situation is the increase throughout the United States of murders of men by women. Scarcely a day goes by but one reads in the papers of such a crime. The great majority of the women are acquitted. It is perhaps conservative to say that hardly one in fifty is convicted. Why there should be such an increase in crimes of this character presents an interesting psychological problem. Twenty years ago, one rarely heard of a murder committed by a woman. Now they are so common as to pass without notice unless marked by sensational features.

The increase in such murders may be due, Mr. Wayman says, to woman's greater freedom, to her equal footing with man in the industrial world and to the feeling of independence due to her gradual endowment with suffrage and the equal rights of citizenship. Yet he admits it may be due to none of these causes. There would seem to be some subtle connection between the increased number of such murders and the apparent immunity of the women who commit them. It is logical, he suggests, to suppose that the seeming impossibility of convicting women who kill men has had an effect upon women who have a grievance against men or who are cruelly used or who labor under a delusion of cruelty.

Seven women charged with murder are now in the Chicago jail awaiting trial. How women charged with murder view State Attorney Wayman's idea of having such cases tried by women jurors was learned from these women. They were unanimously and strenuously opposed to women jurors. Here are their views:

Mrs. Louise Vermilya, accused of poisoning nine persons: "I do not believe a jury of women would do me justice. I should insist on being tried by men."

Mrs. Antonio Musso, charged with killing her husband: "I was ill treated and abused, yet a jury of women would feel sorry only for my husband. Women are too emotional and sentimental to act as jurors in grave cases."

Mrs. Harriet Burnham, charged with shooting her husband to death: "Women are spiteful. They would show no mercy to a woman. They would take pleasure in convicting me."

Mrs. Louise Lindloff, indicted for seven deaths by poison: "I want justice and women have been pretty successful in getting justice from juries composed of men. I want no women to sit on the jury that tries me."

Luella Blackwell, charged with killing Charles Vaughn: "It would be foolish to consent to have a jury of women try me. I want a man's jury to try my case."

Margaret McCabe, charged with killing Edward Lee: "No women for me. If the State's Attorney wants women jurors, that is reason enough why I should not want them."

Elizabeth Buchanan, charged with the killing of Josephine Rice: "I would never consent to be tried by women. I should say not. I feel that I could get justice only from men."

"It is practically impossible to convict a woman of the murder of a man nowadays in Chicago," said State Attorney Wayman. "The Bernstein murder was one of the ugliest cases that ever came under my knowledge as a lawyer."

Mrs. Bernstein shot and killed her husband while he lay asleep in bed. The evidence was that she had planned the murder for several days. She previously had been separated from her husband.

The motive for the killing was not definitely established. The theory of the State was that she shot him to prevent him from leaving her again, as he had threatened to do. It may have been that she shot him out of revenge for his having left her and because she hated him. There was evidently much bitter hatred behind the killing.

The defense did not deny that she shot her husband while he was asleep. The fact of the actual killing under such

cowardly and atrocious circumstances was at no time controverted. The defense pleaded in extenuation what it called furor transitoria, which is another term for temporary insanity. It declared that the insanity and the killing grew out of the fact that Bernstein was cruel to his wife and planned to make a "white slave" of her and live upon her earnings.

"There was really no good ground for believing that he had planned anything of the sort. He was a quiet, mild, inoffensive man. Moreover, the State knocked out the insanity plea altogether and the trial judge omitted giving any instructions on the point. The entire evidence marked the murder as a carefully premeditated crime without palliating circumstances. If ever a murder deserved to be expiated on the gallows this was one. If a man had committed the crime any jury in the world would have sentenced him to death."

"Yet the jury acquitted Mrs. Bernstein and in discussing the verdict declared that it was based on the belief that the woman was insane when she killed her husband. The jury had a right to do this, as it is the judge of the facts, but there was absolutely no evidence to bolster the theory of insanity and the theory was purely an idea of the jury's."

"In acquitting Mrs. Bernstein the jury gave a typical illustration of the attitude of Chicago juries toward women charged with murder. Mrs. Bernstein is not pretty, yet in her widow's weeds there was much in her appearance, much that would appeal to any man of susceptible and sensitive nature and tender heart."

"She was a sufficiently clever actress, too, to make the most of her looks and the dramatic possibilities of her situation. With her pallid face and dark eyes she looked wistful, helpless and appealing. At times she wept into a dainty lace handkerchief—this is a fetching trick of women defendants—and again she bowed her head upon her arms upon the table while her shoulders shook with sobs."

"Sitting there in her neat black clothes and her trim bonnet, she looked so like

how curved in a perpetual smile, while her skin was as soft and delicately tinted as a healthy child's."

"It goes without saying she was acquitted. A jury probably could not have been found in the entire nation that would have convicted this beautiful creature. But it is not necessary for a woman to be pretty. All that is necessary is for her to be a woman. A jury of men will do the rest."

"A woman's crime as a rule exhibits



Mrs. Rena B. Morrow
ACQUITTED OF THE MURDER OF
HER HUSBAND

Mrs. Louise Vermilya
CHARGED WITH KILLING NINE PERSONS
BY POISON. JURY DISAGREED AT HER
FIRST TRIAL



Estelle Stout
ACQUITTED OF THE KILLING OF
MARRY HORNBERGER

Mrs. Florence Bernstein
ACQUITTED OF THE MURDER OF
HER HUSBAND WHILE HE
WAS ASLEEP

Mrs. Dora
McDonald
ACQUITTED OF MURDER
OF MARY GUERIN



Lucile McLeod
ACQUITTED OF THE MURDER OF
WILLIAM NEWMAN JR.

ordinary women, so like the mothers, sisters and wives of the jurors, that the jurors found it impossible to believe this woman had committed murder. The jurymen knew many women and best of all the women of their own home. These women they knew as good, kind, hearted, sympathetic, ministering to their men folk, bearing domestic burdens patiently, making their homes cheerful and happy.

"None of the women these jurors knew, none who ever had come within their personal experience, knew anything of crime. And, as I say, in all outward appearance this woman who had shot her husband while he lay asleep was exactly like these good women whom the jurors had known all their lives. A consequent association of ideas was inevitable."

"The ordinary man such as a juror is finds it difficult to differentiate between an exceptional and abnormal woman, as most murderers are, and the everyday woman he has known since he was a boy. When a woman appears for trial before him, straightway in his own mind he manufactures some excuse, to account for her commission of the murder."

"He feels sure that this woman who looks so much like the women of his own family must have been abused and hounded and driven insane by the cruelty of the man she killed. So in almost all cases the juror, unsophisticated in the subtle psychology of the woman criminal, has made up his mind long before he retires to the jury room that the woman on trial committed her crime during some violent brain storm that rendered her irresponsible."

"Is it necessary for a woman to be pretty to insure a verdict of not guilty?" Mr. Wayman was asked.

"Not at all," he answered. "More homely women are freed of murder charges than pretty women. This is due to the fact that more homely ones are placed on trial. But there have been some extremely pretty women tried for murder in Chicago, and some of the prettiest of them were charged with the most fiendish murders."

"One of the women, who, I am convinced, was guilty of an atrocious crime, was a beauty of the type that suggests innocence and purity. Her eyes were a baby blue, her brow was as smooth as a Madonna's, her mouth was as cupid's

a far greater degree of moral turpitude than a man's. Few murders by women are the result of impulse. They are marked by premeditation, cunning, cruelty and cold blooded diablerie. For the most part the crimes of women have these characteristics in common."

"Women usually take their victim unaware. Many of their victims are killed while asleep. The saving clause for the woman in most cases is that the murder is committed without eye witnesses. Usually the woman and her victim are alone when the murder occurs. This invariably is the result of the woman's cunning plan. It enables her in court to tell whatever story she chooses and there is no one to contradict her. The charge of murder stands on purely circumstantial grounds."

"In cases in which there have been no eye witnesses it is not difficult to formulate an effective defense. Even if there are grave reasons for disbelieving the woman when she goes upon the witness stand and with affected sad countenance and crocodile tears tells the jury her carefully concocted tale with all a woman's natural histrionic art, and they are all actresses the jury will believe her in nine cases out of ten, no matter how strong the evidence introduced by the State."

"Here is another point to be noted in woman murderers: Having killed a man in cold blood they never hesitate to blacken their victim's reputation to clear their selves, and to do this they lie without scruple. The man may have been a square and honorable fellow. He may never have laid his hands upon her. Yet she invariably accuses him after he is in his grave of revolting conduct or savage cruelty."

"Always when she does not deny the killing or make it out a suicide or accident she tells a story of having been driven temporarily crazy by the man's inhuman treatment. When a woman, sometimes fragile, always weak and helpless looking, tells between heart-broken throbs a story of abuse so cruel that it wrecked her reason where is the jury that will not believe her?"

"Jurors, being ordinary men, read a woman's character through their eyes. If she looks like an ordinary woman they rate her as an ordinary woman. If she is pretty they are sure she is not guilty. If she has a certain motherliness they

know her to be innocent. The most eloquent prosecuting attorney and the prosecutor in such cases is usually as popular as the villain in a play—could not make them believe that the face of a saint sometimes hides the heart of a fiend. "The long and short of the proposition is that man to-day after centuries of civilization no more understands a woman's mental processes than he did in the dim days when he dwelt in a cave. A man does not understand a normal woman's mental processes. When it comes to dealing with the mental processes of an abnormal woman he is a rudderless bark on an uncharted sea drifting helplessly and hopelessly. The criminal woman may have all soft and feminine graces and yet be hard, cold, treacherous, unscrupulous, merciless and a genius in deceit. Yet it is always difficult if not impossible to give a jury an adequate idea of her true character. "There is but one remedy. That is, to give women the right to serve on juries. Only a woman can understand a woman. Only a woman would be unimpaired by sentiment. Only a woman would punish a woman guilty of murder. Only a woman would vote to send such a woman to the penitentiary or the gallows. Only a woman would construe the law impartially where a woman was concerned. A jury of women would look upon a woman criminal with cold, searless, un-

Thirty-eight Women Accused of Murder Acquitted There in the Last Nine Years and Only Seven Found Guilty

sentimental eyes and return a verdict in accordance with the merits of the case. "The Bernstein verdict, which was one of the most flagrant miscarriages of justice I ever knew, has determined me to go before the next Illinois Legislature and endeavor to have the Constitution of the State amended so that a proposition providing for woman suffrage will be put at once before the people. Only by making women citizens and giving them the right to vote can they be made eligible

for jury service. I hope to see the day when women will serve on juries. Then only can we expect to obtain justice against criminal and murderous women in our courts."

Some of the cases in Chicago in which women have been charged with the murder of men have been among the most sensational in the criminal history of the city. Mrs. Rena B. Morrow, a poetess and writer, was acquitted only a few weeks ago of the murder of her husband in their home in the fashionable Hyde Park district.

Mr. Morrow, an inventor and business man, was found dead on a back porch with two bullets through his body, one of which had gone into the floor, proving that it had been fired after he had fallen.

Either bullet, the doctors said, would have proved fatal instantly, which eliminated the idea that Mr. Morrow had committed suicide, because if he had fired the first shot he could not have fired the second.

The State showed that the couple were estranged and had been heard in a violent quarrel on the night of Mr. Morrow's death. His evidence was considered unusually strong. The defense was that Morrow had killed himself or had been slain by burglars. Mrs. Morrow, who was very pretty, was acquitted.

The killing of Webster Guerin by Mrs. Dora McDonald was another celebrated case. Mrs. McDonald was the handsome wife of Michael McDonald, who had made a large fortune as a gambler in Chicago's early days. McDonald was an old man and an indulgent husband. Mrs. McDonald and Guerin, a handsome young fellow, little more than a boy, had long carried on a clandestine love affair. It was brought out that Mrs. McDonald had given the boy much money.

One day she visited Guerin in his office in a downtown skyscraper. While they were alone together Guerin was shot and instantly killed. The defense was that he had shot himself in a scuffle while attempting to pistol Mrs. McDonald. The State showed that Guerin was about to break off relations with the woman and went upon the theory that she killed him because of his prospective desertion.

Mrs. McDonald was acquitted. Her husband later died of what was called a broken heart. There is no doubt that the tragedy in which his wife had figured hastened his end.

The death of Mrs. Williams was a case of a woman who had been seen within a few doors of the flat and going toward it and a little later had been seen going away from it. But no evidence was obtainable to show that any one had seen her enter the flat or leave it. There was a missing link in the evidence that could not be supplied.

The defense admitted that Williams's death was murder, but did not attempt to explain it. It merely denied that Mrs. Williams had had anything to do with it. Mrs. Williams was acquitted.

Mrs. Jane Quinn was arraigned a few weeks ago for killing her third husband. Two former husbands, heavily insured, had died under mysterious circumstances. The third, Mr. Quinn, was shot while he was asleep in his bed. The revolver with which he was killed was found hidden under the bathtub. It had been stolen from one of Mrs. Quinn's boarders. Mrs. Quinn said her husband had been killed by a burglar. His life was insured. Mrs. Quinn was found not guilty.

Mrs. Louise Vermilya was charged with committing a series of nine murders by poison. If the charges were true, they would indicate that the woman poisoned for the love of poisoning, though in some of the deaths insurance might have supplied a motive.

The death that brought the hand of the law upon her was that of Policeman Arthur Bissonette, who roomed at her home. Her arraignment for the Bissonette murder resulted in a mistrial, the jury being unable to agree. She is to be tried a second time for the murder of Richard T. Smith.

Estelle Stout, a girl of eighteen, shot and killed Harry Hornberger, an agent for a picture frame concern. He had brought a picture frame to the young woman's flat. There was a dispute over the pay and Miss Stout shot him. It was not denied in court that she had killed the man. Her defense was that he had acted in a threatening way. The jury was out only a short time and brought in a verdict of acquittal.

In every instance in Chicago courts in which women charged with murder were acquitted strong cases of circumstantial evidence were made out by the State. In every instance the defense rested chiefly on the woman's own story. This was often weak and sometimes flimsy. Several times the presiding judge scored the jury for its verdict. Frequently the acquittal of the woman was plainly a miscarriage of justice. An illuminating fact is that one young woman tried for murder became afterward addicted to drink and was known to boast that she was guilty of the crime of which a chivalrous jury had found her innocent.

HELPING BOYS AND GIRLS TO THEIR FIRST JOB

"What's the matter with your hat?" The small boy, the first of the squirming row in the long light room, took off his hat and looked at it.

"It's all right," he muttered, putting it on again. "Did you wash your face this morning?" she inquired mildly.

"No, ma'am. I got up in such a hurry I didn't have time." But there is such an eager light in his eyes that she does not reproach him. When one's hands are fairly itching for one's first pay envelope soap and water seem futile things.

That is what the Alliance Employment Bureau is doing—putting the first pay envelope into small hands. It is apt to give advice about the condition of the hands, but it puts the envelope there just the same. It finds a place for the inexperienced, unskilled worker who is new to the ordinary employment agency, and the children who patronize it do not know that it is a charity, for the small fee is rigorously collected, in advance if possible; if not, out of the first week's pay. It costs nearly ten times as much as that fee to place the child, for all positions are carefully investigated, and the child's own home conditions are improved if necessary. But to all outward appearances the matter is strictly one of business.

"What's the matter, Michael?" inquires the manager, going on down the line, "Didn't you get that place?"

"Yes, ma'am. But the boss he sent me back when I said my name was Edward. I don't like the guys to call me Mickey. My mother calls me Edward. So I told him it was Edward. But he said I might have somebody else's working papers, and I must come back to you."

plains to him that boys of 15 must be satisfied with \$1.50 or \$2, or even \$3 if they are learning a trade. Henry will not work for less than \$2.

"And his mother and sisters will support him until he is old enough to get it," the manager sighs as he goes out. "The boys lost until they are 200 for nothing. They always write their letters of application. I have to write back and say that I want the boy's own handwriting. But more and more parents are putting their children to work as soon as possible."

The door that closes behind Henry opens to admit Mary, dark eyed and shy, who wants to work in an office.

"I can't recommend you for an office position, Mary," says the arbiter of youthful destinies, surveying the written application. "Your writing is very poor and you can't spell. I can put you into a good factory where they will teach you the work. Then if you want to go to night school and improve your spelling and penmanship we may be able to put you into an office later."

"I would be glad to work in any factory," Mary admits.

"But the girls think it's nice to be stenographers. When I asked my scrubwoman why she spent \$50 to send her daughter to a business college she said she wanted her to be a lady. That's all right, of course, if she were sensible about it, but the district between Nineteenth and Thirtieth streets along Fourth avenue is filled with clean new lofts, where the working conditions are excellent and a girl can make far more than she could as an incompetent stenographer with two applicants for every position she wouldn't have to spend so much on

her clothes either, though that might not seem an advantage (here, you can hardly blame the girls for buying clothes that seem attractive to them, but I do struggle against cosmetics). It is almost as hard to keep the paint off a girl's face as the dirt off a boy's."

"The factory if it is well conducted is about the best place for the unskilled girl. This bureau was organized to get girls out of factories and into domestic service, but I have no sympathy with that idea. A girl is far better off in her own home with a mother to look after her than in a factory where one can't find a decent place to receive her company."

But the bureau does not propose to be made of. Enter John, his machinical blue eyes sobered for the occasion.

"When he scolded you for being gone three hours on one errand you said you had another job," she inquires severely.

"Yes, ma'am."

"Well, you'd better go and work at that job until fall. You can come back then, but remember that I can't give a recommendation to a boy who tells fibs."

Louis is determined to leave a good job because it is too far from home. "The Boys' Club at the settlement, if you are out of work," she warns him. Louis had not thought of that. "Try it again," she advises. Evidently the policy of the bureau is different from that of the agency which encourages its patrons to shift about in order to collect new fees for new jobs.